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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/675,085 | 09/30/2003 | Moshe Valenci | P16577 | 5067 |

46915 7590 12/12/2007
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| EXAMINER |
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CLOUD, JOIYA M

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| ART UNIT | PAPER NUMBER |
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2144

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| MAIL DATE | DELIVERY MODE |
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12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,085

Applicant(s)

VALENCI, MOSHE

Examiner

Joiya M. Cloud

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/27/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the communication filed on October 02, 2007. Claims 1-27 are presented for examination. Applicants arguments have been considered moot in view of the new ground(s) of rejection, as a result of Applicant's substantial amendments (i.e. "in response to the driver shutting down and reloading").

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Mills et al (US Publication No. 2003/016348 A1).

As per claim 1, Mills discloses the invention substantially as claimed. Mills teaches a method for maintaining a link between a first network entity and a second network entity, wherein the first network entity includes a network adapter (**paragraph [0049]**), comprising: in response to the driver shutting down and reloading, determining whether the driver was reloaded

before a link-shutdown timer expired (**LSP_Exp, where the timer is timed out, Abstract, (paragraphs [0157], [0253] and [0223], where Mills discloses negotiated link parameters based on expiration of a link status timer)**), wherein the link-shutdown timer is associated with the link and is started in response to the driver starting a shutdown sequence (**Abstract, paragraphs [0157], [0253]**); continuing processing without dropping the link (**paragraph [0156]**), in response to the driver being reloaded before the link-shutdown timer expired; and dropping the link, in response to the driver not being reloaded before the link-shutdown timer expired (**Abstract, paragraphs [0157], [0253], [0217], and [0253]**).

As per claim 2, Mills teaches a method further performing: determining, whether a register has a value indicating that the driver has been loaded (**paragraph [0253]**).

As per claim 3, Mills teaches a method further performing: determining, whether the link-shutdown timer has expired; and periodically determining, whether the driver was loaded in response to determining that the link-shutdown timer has not expired (**Abstract, paragraphs [0157], [0253]**).

As per claim 4, Mills teaches a method further performing determining, whether the link-shutdown timer has expired; and periodically determining, whether the driver was loaded in response to the driver not being loaded and the link-shutdown timer not having expired (**Abstract, paragraphs [0157], [0253]**).

As per claim 5, Mills teaches a method implemented in a driver executing in a first network entity for maintaining a link between the first network entity and a second network entity, wherein the driver performs: starting a shutdown sequence; in response to determining

that the link does not need to shut down, starting a link-shutdown timer for dropping the link; in response to the driver starting a load sequence and determining that the link-shutdown timer is enabled and has not expired, determining whether the link is available (**paragraph [0217]**), wherein the link is determined to be available when the driver is reloaded before the link-shutdown timer has expired; and continuing processing without renegotiating the link in response to the link being available (**Abstract, paragraphs [0157], [0253]**).

As per claim 6, Mills teaches a method wherein the driver further performs renegotiating the link in response to the link not being available, wherein the link is not available when the driver is not reloaded before the link-shutdown timer has expired (**Abstract, paragraphs [0157], [0253] and [0217]**).

As per claim 7, Mills teaches a method wherein the driver further performs: determining, whether flow control is enabled; and sending an indicator to the second network entity to indicate that the second network entity is to stop sending data packets to the first network entity in response to flow control being enabled (**Abstract, paragraphs [0157], [0253] and [0223]**).

As per claim 8, Mills teaches a method wherein after the driver is reloaded, the driver further performs: determining whether flow control is enabled; and sending an indicator to the second network entity to indicate that the second network entity is to start sending data packets to the first network entity in response to flow control being enabled (**Abstract, paragraphs [0157], [0253] and [0223]**).

As per claim 9, Mills teaches a method further performing: when the driver is reloaded, disabling the link-shutdown timer in response to the link-shutdown timer being enabled and not being expired (**Abstract, paragraphs [0157], [0253] and [0223]**).

As per claims 10-13, claims 10-13 lists all the same elements as claims 1-4, but in system form rather than method form. Therefore, the rejection for claims 1-4 applies equally as well to claims 10-13.

As per claims 14-18, claims 14-18 lists all the same elements as claims 5-9, but in system form rather than method form. Therefore, the rejection for claims 5-9 applies equally as well to claims 14-17.

As per claims 19-22, claims 19-22 lists all the same elements as claims 1-4, but in article of manufacture form rather than method form. Therefore, the rejection for claims 1-4 applies equally as well to claims 10-13.

As per claims 23-27, claims 23-27 lists all the same elements as claims 5-9, but in article of manufacture form rather than method form. Therefore, the rejection for claims 5-9 applies equally as well to claims 23-27.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-Millse).

JMC

William C. Vaughn

Supervisory Patent Examiner

December 10, 2007


**WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**